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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/517,874	03/02/2000	Swain W. Porter	112076-138329	5325
25943 7590 11/01/2007 SCHWABE, WILLIAMSON & WYATT, P.C. PACWEST CENTER, SUITE 1900 1211 SW FIFTH AVENUE PORTLAND, OR 97204			EXAMINER SAX, STEVEN PAUL	
			ART UNIT 2174	PAPER NUMBER
			MAIL DATE 11/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/517,874

Applicant(s)

PORTER, SWAIN W.

Examiner

Steven P. Sax

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/26/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 30-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This application has been examined.

2. **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nason et al. U.S Patent No.6,330,010 and Schein et al (6151059) and Eisler et al (5844569).

As per claim 1: Nason discloses a computer system/ method for displaying data as follows:

the computer system having a display device (68) including a primary display surface controllable by an operating system (Fig.3, 6, 7) with an overscan area not controlled by the operating system (column 2 lines 47-65);

reserving a first portion (30) of the operating system controllable primary display surface for exclusive use by a first program; and rendering contents in the reserved first portion of the primary display surface, by said first program, excluding all other

programs from using said reserved first portion of operating system controllable primary display surface (abstract, Fig.2, 7, column 10 lines 45-62, column 15 lines 1-30).

Nason et al do not go into the details of the program not being part of the operating system yet excluding all other programs including the operating system of a reserved portion of the primary display, but do mention efficient control of dedicated regions of the display. Furthermore, Schein et al do have a program outside the operating system which delivers video to a reserved portion of the primary display and excludes all other programs including the operating system from controlling the reserved portion, for efficient control of a dedicated region of the display (Figures 1, 7, 11, 30, column 4 lines 50-60, column 5 lines 25-50, column 7 lines 15-45). It would have been obvious to a person with ordinary skill in the art to have this in Nason et al, because it would allow efficient control of a dedicated region of the display.

Even as combined with Schein et al, Nason et al do not go into the exact details that the operating system controllable primary display area is specifically not the overscan area per se, in that Nason et al are more concerned with the overscan area. Nevertheless, Nason et al do show efficient control of a dedicated region of the display. Furthermore, Eisler et al do show flipping to control an operating system controllable primary display area, not being the overscan area (Figures 5, 7, column 7 lines 10-55, column 8 lines 40-55, column 9 lines 50-60, column 11 lines 7-55, column 12 lines 50-63) for efficient control of a dedicated region of the display. It would have been obvious to have this in Nason et al, especially in combination with Schein et al, because it would allow efficient control of a dedicated region of the display.

Regarding claim 2, in addition to what is recited in claim 1, Nason's window system allows a window manager to switch to a display mode having a smaller pixel configuration "adjusting parameters for said video display system to increase the

number of pixels in a dimension of said video display system by a number of pixels less than or equal to a difference between the number of pixels specified in said video mode and a maximum number of pixels which said video display system can effectively display "(col.4 lines 27-39, and tables 1-3, claims 1,11,18).

Regarding claims 3, in addition to what is recited in claim 2, Nason's system discloses the reserving/ unreserving which inherently aborting a responsive request by the window manager to switch to a display mode having the smaller/ larger pixel configuration "The display is reset to the original resolution, step 126, and the CR registers are reset to their original values" (col.14 lines 10-15, Figs.7,9 tables 1-3).

Regarding claims 4, in addition to what is recited in claim 2, Nason's system discloses the reserving further comprises pre-alerting an exclusive-use display area manager of said display mode switch request to said window manager "System resolution messages are received whenever the system or user changes the screen or color resolution" (col.14 lines 9-15).

Regarding claims 5, in addition to what is recited in claim 1, Nason's system discloses the reserving/unreserving is performed only if the first/ second event is determined to have occurred, respectively "the overscan interface may be constantly visible or it may toggle between visible and invisible states based upon any of a number of programming parameters (including, but not limited to, the state of the active window, the state of a toggle button, etc.)." (col. 4 lines 6-16).

Regarding claim 6, in addition to claim 5, Nason et al show determining if a second event has occurred; and unreserving said first portion of the operating system controllable primary display area for use by said first program if the second event is determined to have occurred (column 4 lines 6-16).

Regarding claim 7, said unreserving comprises requesting a window manager to switch to a display mode having a larger pixel configuration (Nason et al column 4 lines 10-30).

Regarding claim 8, said unreserving further comprises aborting a responsive request by the window manager to a display device driver to configure a display hardware to said larger pixel configuration (Nason et al column 4 lines 10-30).

Regarding claim 9, said reserving further comprises pre-alerting an display area manager of said display mode switch request to said window manager (column 4 lines 10-30).

Regarding claim 10, in additional to what is recited in claim 1, Nason windows system "Microsoft Windows environments (including Microsoft Window 95 and derivatives, and Microsoft Windows NT 4.0 and derivatives)" (col.4 lines 27-32) inherently has functions for requesting to change a display mode to a full or normal screen mode and temporarily stop / resume rendering contents in the reserved portion of the operating system controllable display surface when changing the display mode to a full or normal. respectively "Referring now in particular to FIG. 7, upon initialization, at Identify Display Type step 102, the program attempts to determine the display type, and current location in memory used by the display driver, in order to determine the size and locations of any display modifications to be made, e.g. to the size and location of overscan area(s) to be used " (col.6 lines 47-63).

Regarding claim 11, please see the discussion for claim 10. Note that then the normal mode may be resumed (columns 4 lines 25-35 and column 6 lines 47-63).

Regarding claims 12, in addition to that mentioned for claim 10, note Nason et al (even combined with Schein et al) do not show "intercepting all page flipping calls by said application, and forwarding each of said page flipping calls onward only after said first program has updated a back buffer." However, it was known in art that that page flipping calls onward with a back buffer are associated in the window environment. For example, Eisler et al disclose "page flipping the back buffer to a front buffer after the three dimensional object has been written into the back buffer" (column 11 lines 7-55, column 12 lines 50-63, column 13 lines 1-48). Therefore, it would have been obvious to one of ordinary skill in the relevant art at the time of invention to use Eisler's teaching of page flipping, and back buffer teaching with Nason system, especially as combined with Schein et al, to effectively and efficiently provides real time integration of three-dimensional objects and live video in the GUI environment.

Regarding claim 13, in addition to that mentioned for claim 12, note interacting with said full screen mode requesting application to maintain said reserved first portion of the operating system controllable primary display area (Nason et al column 4 lines 10-30).

Regarding claim 14-15 and 22, these show the same features as claims 2-4 and are rejected for the same reasons.

Regarding claims 16-19, they contain similar features in scope to claims 6, 10, 11, 13. Thus, they are rejected under similar rationale.

Regarding claims 21,23, in additional to what is recited in claims 1,16, Nason's system discloses an article of manufacture having a recordable medium having stored thereon a plurality of programming instructions to be executed by a processor (claims 44-55).

Regarding claims 25-28, these show the same features as claims 1, 4, 10, and 11, and are rejected for the same reasons respectively.

Regarding claims 20, 24, these both show the same features as claim 12 and are each rejected for the same reasons as claim 12.

Regarding claim 29, this shows the same features as claim 10 and 12 combined, and is rejected for the same reasons as that combined for claims 10 and 12.

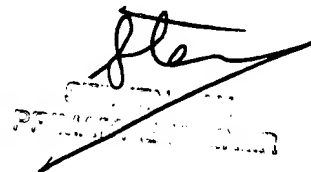
3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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